

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence, totaling 8 pages including recited attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 703-872-8306 (Central number) on the below date:

Date: 3 January 2005Name: C. Noel KamanSignature: C. Noel Kaman

BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Baker, et al.

Appln. No.: 09/944,449

Filed: 8/30/2001

For: SECRETED AND TRANSMEMBRANE
POLYPEPTIDES AND NUCLEIC ACIDS
ENCODING THE SAME

Examiner: Elieen O'Hara

Art Unit: 1646

Attorney Docket No: 10486/128 (P2548P1C09)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

☒ [Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b); a duplicate copy of this transmittal letter for fee payment charging deposit account; and a Reply to the Office Communication of March 15, 2004]

☐ Return Receipt Postcard

Fee calculation:

☐ No additional fee is required.

☐ Small Entity.

☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).

☒ A petition or processing fee in an amount of \$1500.00 under 37 C.F.R. § 1.17(m).

☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x \$100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
Total					\$			Total \$	

Fee payment:

☐ A check in the amount of \$_____ is enclosed.

☒ Please charge Deposit Account No. 23-1925 in the amount of \$1500.00. A copy of this Transmittal is enclosed for this purpose.

☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

3 January 2005
Date

C. Noel Kaman
C. Noel Kaman (Reg. No. 51,857)

JAN 03 2005

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence, totaling 6 pages including recited attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 703-872-9306 (Central number) on the below date:

Date: 3 January 2005Name: C. Noel KamanSignature: C. Noel Kaman

Our Case No. 10466/128
P2548P1C09

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Baker et al.

Serial No.: 09/944,449

Filing Date: August 30, 2001

For: SECRETED AND
TRANSMEMBRANE
POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME

Examiner O'Hara

Group Art Unit No.: 1646

Reply to the Office Communication Mailed March 15, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants' representative thanks the Examiner for the helpful and courteous discussions held on April 12, 2004. In these discussions, Applicants' representative and the Examiner discussed Applicants' Request for Continued Examination mailed December 24, 2003 and the Office Communication mailed March 15, 2004.

After discussions with the Examiner and in response to the Office Communication of March 15, 2004, pursuant to 37 CFR 1.53(b), on May 26, 2004 Applicants filed a divisional application (U.S. Patent Application Serial No. 10,854,947) of this application but inadvertently failed to file a petition for extension of time in the present case.


Hence, this application went abandoned and was not copending with the divisional application when the divisional application was filed.

In response to the Notice of Abandonment mailed November 3, 2004, Applicants now petition for revival of the present application such that it is copending with divisional application serial number 10,854,947.

Please note, per MPEP § 711.03(c), page 700-165, Applicants have not included a petition for an extension of time under 37 CFR 1.136 or a fee for such extension of time with this reply. However, if a petition for an extension of time and a fee for such extension of time are required, Applicants will submit such papers.

If any discussions with Applicants' representative would further the revival of this case, the Office is kindly request to contact Applicants' representative at (312)321-4200.

Respectfully submitted,


C. Noel Kaman
Registration No. 51,857
Attorney for Applicant

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